

Appl. No. 10/644,280
Amdt. dated Aug. 24, 2006
Reply to Off. Act. dated May 26, 2006

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REMARKS/ARGUMENTS

1. The Examiner rejected claim 24 under 35 U.S.C. § 102(b) as being anticipated by Di Meo et al. (U.S. Patent No. 2,823,056). Claims 6, 7, 9, 12-18, and 28-30 were indicated as being allowable. Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Rejection under 35 U.S.C. § 102(b)

2. Claim 24 was rejected under 35 U.S.C. § 102(b) as being anticipated by Di Meo. Applicants disagree with the Examiner's characterization of Di Meo in view of the express recitations of Applicant's claim.

In order make a proper rejection under 35 U.S.C. § 102(b), the Examiner must show that a single prior art reference discloses *each and every* element as set forth in Applicant's claim. See M.P.E.P. § 2131 (emphasis added). The Examiner has failed to make such a showing with respect to Applicant's claim 24. In particular, the Examiner has failed to show that Di Meo discloses a cable tray having a connector receiving member integrated into a sidewall, wherein the connector receiving member includes two parallel sections separated by a space, and wherein at least one of the two parallel sections includes *an insulated portion and* an electrically conductive portion. Instead, Di Meo quite clearly discloses a metallic cable support system and does not disclose or suggest that any part of the system is insulated or contains insulation (e.g., in the form of an insulative covering or coating). Di Meo discloses that his coupling means includes pairs of metal plate-like coupling members 24, 25 which are permanently secured, such as by welding or the use of screws, washers, and nuts, to the sidewalls of the metallic straight-away component. (See col. 1, line 64 through col. 2, line 9; col. 2, lines 28-49.) The plate-like coupling members include vertically spaced interengageable ear lugs 26, 27 that accept metallic locking pins 28. (See col. 2, lines 10-14.) Since Di Meo discloses only that his entire cable tray system, including the coupling members 24, 25 and their interengageable ear lugs 26, 27, contains exposed metal, Di Meo fails to describe a connector receiving member integrated into the sidewall, wherein the member includes both an insulated portion and an electrically conductive portion. Instead, Di Meo simply discloses that his entire cable tray system is

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electrically conductive, without any insulated portions. In other words, instead of providing a connecting member that includes both insulated and electrically conductive portions and specifically arranging the electrically conductive portion to engage the fastener as recited in Applicant's claim, Di Meo simply provides a connecting member that is entirely electrically conductive and non-insulated. A system such as that taught by Di Meo runs the risk of shorting out a cable traversing the system in the event that the insulation of the cable becomes damaged and/or the cable becomes exposed in the tray for any reason.

Therefore, based on the foregoing, Di Meo fails to disclose each and every element as set forth in Applicant's claims as required by M.P.E.P. § 2131. Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of claim 24 under 35 U.S.C. § 102(b) and pass claim 24 to allowance.

Allowed Claims

3. Applicant would like to thank the Examiner for indicating the allowability of claims 6, 7, 9, 12-18, and 28-30 as previously presented; however, Applicant submits that claim 24 and newly presented claims 31-43 are also allowable over the prior art.

New Claims

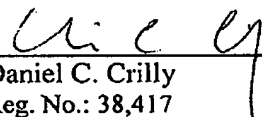
4. Applicant has herein added new claims 31-43 directed to features originally presented in claims 1-5, 8, 10, and 11 of the present invention, which claims were cancelled in response to the Office Action dated December 23, 2005 but which subject matter was expressly reserved for prosecution in Applicant's response filed March 21, 2006, as well as to disclosed but previously unclaimed features of the present invention. Applicant submits that such claims are fully supported by Applicant's originally filed specification and are patentably distinct from the prior art of record. For example, the disclosed but previously unclaimed subject matter recited in claims 31 and 43 is supported by at least FIGs. 13 and 14, which clearly depicts a perpendicular arrangement of the fasteners (e.g., carriage bolts) relative to the sidewall and the base portion. Accordingly, Applicant requests that the Examiner pass new claims 31-43 to allowance. With the addition of claims 31-43 and the prior cancellation of claims 1-5, 8, 10, 11, 19-23, and 25-27, twenty-seven claims remain pending in the present application, six of which

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are independent. Applicant had previously paid for examination of twenty-five claims, five of which were independent. Therefore, Applicant has added one extra independent claim and two extra dependent claims. As a result, an additional fee of \$150.00 is due for examination of the three extra claims. Please charge such additional filing fee to the undersigned's Deposit Account No. 50-1111.

5. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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